



CITY OF MEMPHIS

COUNCIL AGENDA

March 2, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (February 17, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to establish a new Article to be known as Traffic Control Photographic System, up for F I R S T reading.

Lowery

Ordinance No. 5044

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

(none)

ZONING ORDINANCE - FIRST READING

2. **ORDINANCE** rezoning the southeast corner of South Orleans Street and Pontotoc Avenue, containing 0.37 acre in the Light Industrial (I-L) District, up for F I R S T reading.

Peete

Ordinance No. 5045

Case No. Z 04-104

Applicant: Metropolitan Inter-Faith Association, Inc.
Liz Edmundson - Representative

Request: Multiple Dwelling Residential (R-ML) District

LUCB and OPD recommendation: Approval of the Multiple Dwelling
Residential (R-MM) District

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE- SECOND READING

3. **ORDINANCE** rezoning the east side of Elvis Presley Blvd., +/-309.5 feet south of Timothy Drive, containing 0.28 acre(12,197 sq. ft.) in the Single Family Residential (R-S10) District, up for S E C O N D reading.

Peete

Ordinance No. 5043

Case No. Z 03-131

Applicant: Michael Miller
Timothy Willis – Representative

Request: Neighborhood Commercial (C-N) District

LUCB recommendation: APPROVAL, of the Neighborhood Commercial (C-N) District

OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

4. RESOLUTION approving final plat of GUERNSEY AVENUE SUBDIVISION.
Case No. S 03-025

Resolution approves the final plat located on the southwest corner of Guernsey Street and National Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION accepting GERMANTOWN/WOLF RIVER C-P, PHASE 1, PARCEL 2 and authorizing release of bond.

Case No. Z 95-102
(Contract No. CR-4377)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Germantown Parkway and Walnut Bend Road. The standard improvement contract was approved on November 3, 1998. Resolution also authorizes the release of the performance bond in the amount of \$38,400.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting CENTRAL AVENUE AT GOODLETT STREET MEDIAN REMOVAL and authorizing release of bond.

(Contract No. CR-4350)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Central Avenue at the intersection of Goodlett Avenue. The standard improvement contract was approved on August 18, 1998. Resolution also authorizes the release of the performance bond in the amount of \$34,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of CORDOVA RIDGE P.D., 3RD AMENDMENT, PHASE 9.

Case No. PD 01-331cc

Resolution approves the final plat located on the southeast corner of Houston Levee Road and Woodland Hills Drive. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of GEMSTONE P.D., PHASE 2, AREA B & C.
Case No. PD 99-380
Contract No. CR-4856

Resolution approves the final plat located on the west side of White Diamond Street, west of Weaver Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of CARLYLE PLACE P.D., PHASE 2.
Case No. PD 02-333cc
Contract No. CR-4857

Resolution approves the final plat located on the west side of Pisgah Road, north of Macon Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

10. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:
- A. Case No. PD 03-329 (Revised) - Waring Park P.D.
- Located on the west side of Waring Road; +750 feet south of Chickasaw Road, containing 1.96 acres in the Single Family Residential (R-S10) District
- Applicant: Brad Rainey Homes
Ralph Smith, ETI - Representative
- Request: A maximum of 2 lots
- LUCB and OPD recommendation: APPROVAL, with conditions
- B. Case No. PD 04-302 - Shelby Service Center P.D.
- Located on the north side of E. Shelby Drive; +507.50 feet west of Sandy Park Drive, containing 1.88 acres in the Townhouse Residential (R-TH) District
- Applicant: Shelby Service Center, LLC
K & G Investments - Representative
- Request: Planned development to allow a contractor's park, including offices and showrooms for display of samples and merchandise within a new one-story multi-tenant building, including the outdoor storage of fleet vehicles within the Outline Plan
- LUCB and OPD recommendation: APPROVAL
- C. Case No. S 04-005cc - Pinnacle Point Subdivision, Phase 3, Resubdivision of Lots 106 & 107
- Located on the northwest corner of Migaldi Drive and Nicholas Lane, containing 20,068 square feet on lot 106 and 21,587 square feet on lot 107
- Applicant: Michael J. Fahy-Prime Development Group, Inc.
- Request: Resubdivide Lots 106 & 107 to allow for an additional lot (Lot 204) and reduce the required front yard building setback ten (10') feet for Lots 106, 107 & 204 along Migaldi Drive

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 03-606 - Mill Avenue Alley

Located between Promenade Street and North Front Street, beginning 148 feet south of Mill Avenue

Applicant: Craig Mednikow

Request: Close and Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. UV 03-07

Located on the northeast corner of Evelyn Avenue and Rozelle Street, containing 0.88 acre in the Light Industrial (I-L) District

Applicant: William Guy Johnson and Chris Robinson

Request: Workshop for arts and crafts with on-site residences

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 16, 2004

FISCAL CONSENT

DIVISION OF GENERAL SERVICES

11. RESOLUTION accepting an offer to purchase property owned by the City and County and located at the northeast corner of Heard and Belmont Circle. The sales price is \$136.00. The unimproved property is no longer needed for City or County purposes. The property is zoned R-D. The Shelby County Assessor's Office identifies the parcel as Ward 041, Block 060, Parcel 027. Jones

Resolution approves an offer to purchase vacant City and County property at the above location from adjoining property owner, F. Terrence Brigham. Said property was acquired by Warranty Deed recorded in Book 1952, Page 49 in the Shelby County Register's Office. Per ordinance, sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

12. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$25,785.00 in G.O. Bond Funds from Minor Streets, Project Number PW075 to Concrete Replacement Various Locations FY04, Project Number PW485 for construction contract with Ferrell Paving. Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution



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March 2, 2004

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

13. RESOLUTION honoring the Beale Street Development Corporation. (Held from 2/17)
Peete

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION honoring John Yancey.
Jones

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

15. RESOLUTION appropriating \$3,250,500.00 in construction funds for various major modifications and improvements.
Jones

Council did include Major Modifications/Improvements to Property, CIP Number GS016 as part of the FY2004 Capital Improvement Program.

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

16. RESOLUTION accepting and appropriating \$80,000.00 in grant funds that were awarded from a Fair Housing Initiative Program Grant received from HUD by the Division of Housing and Community Development.
Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

17. RESOLUTION amending the FY 2004 CIP Budget by transferring \$60,000.00 from A/E to Construction and appropriating \$360,000.00 in Construction, \$202,000.00 in Furniture, Fixtures and Equipment and \$255,000.00 in Information Technology items, all funded by G.O. Bonds General, chargeable to the Fiscal Year 2004 Capital Improvement Budget for the Orange Mound Community Service Center, CIP Number PK066.

McCormick

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION accepting grant funds in the amount of \$30,000.00 from the Tennessee Department of Agriculture, Division of Forestry to conduct a tree inventory in City parks and the purchase and plant 50 trees in Douglass Park. Resolution also amends the FY 2004 Operating Budget to appropriate grant and matching funds.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

19. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$114,497.00 in Sewer Funds from Rehabilitation of Existing Sewers, Project Number SW012 to Maxson Plant Roof Repair, Project Number SW151.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING

20. **JOINT ORDINANCE** amending the Memphis and Shelby County Office of Code Enforcement Commercial Demolition Program, up for T H I R D and F I N A L reading.(Held from 1/20;2/3; 2/17)

Peete

Ordinance No. 5035

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** to amend Chapter 16, Article II, Code of Ordinances, City of Memphis, so as to retain the same annual fee amount for Calendar Year 2002 Emissions, up for T H I R D and F I N A L reading.

Chumney

Ordinance No. 5041

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING

22. **ORDINANCE** rezoning the north right-of-way line of McLemore Avenue and proceeding approximately three thousand (3,000) feet or half (0.5) a mile southwardly to the south right-of-way line of South Parkway East, up for T H I R D and F I N A L reading.(Held from 2/3;2/17)

Peete

Ordinance No. 5037
Case No. SNC 03-802

Applicant: John H. Freeman

Request: Change name to "Willie Mitchell Boulevard"

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES MAILED ON JANUARY 23, 2004

23. **ORDINANCE** rezoning the southeast side of Summer Avenue; +197 feet south of Shelby Oaks Drive, containing 7.92 acres in the Agricultural (AG) & Agricultural Flood Plain (AG{FP}) Districts, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5039
Case No. Z 03-130

Applicant: William H. Thomas, Jr.
ETI Corporation – Representative

Request: Light Industrial (I-L) & Light Industrial Flood Plain (I-L{FP})
Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON FEBRUARY 20, 2004

24. **ORDINANCE** rezoning the west side of Billy Maher Road; +300 feet south of Egypt Central Road, containing 36.85 acres in the Single Family Residential (R-S10) & Agricultural (AG) Districts, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5040
Case No. Z 03-132

Applicant: Durelle Sharpe
The Bray-Davis Firm – Representative

Request: Single Family Residential (R-S8) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

590 NOTICES MAILED ON FEBRUARY 20, 2004

25. **ORDINANCE** rezoning the west side of Hickory Hill Rd.; ±247 feet south of Advantage Cove, containing 33.656 acres in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5042
Case No. Z 03-126

Applicant: City of Memphis/Shelby County for the Chickasaw Basin
Authority
Homer Branan – Representative

Request: Heavy Industrial (I-H) District

LUCB and OPD recommendation: Rezone to the Light Industrial (I-L) District

ACTION REQUESTED: Take whatever action Council deems advisable

20 NOTICES MAILED ON FEBRUARY 20, 2004

DIVISION OF PLANNING & DEVELOPMENT

26. RESOLUTION amending the Capital Improvement Budget by appropriating \$300,000.00 in G.O. Bonds for Southern Heights Subdivision Infrastructure Improvements as part of the Middle Income Housing Program.

Peete

Director of Planning and Development recommends approval

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION rezoning the south side of Shelby Drive; +/-401.30 feet west of Millbranch Road, containing 2.20 acres in the Local Commercial (C-L) District.

Peete

Case No. SUP 04-201

Applicant: The Toy Store Auto Sales
James Kincaide - Representative

Request: Allow motor vehicle sales and service with temporary outdoor
storage

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS (none)

GENERAL ITEM

28. RESOLUTION supporting efforts to institute a Living Wage and encouraging the Tennessee General Assembly to reject HB 421, which prohibits local governments from requiring private employers pay its employees any wage that is over the State or Federal mandated minimum wage.

Sammons

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT